



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 428 OF 2024
IN
CRIMINAL APPEAL NO. 235 OF 2024

Bhushan Sunil Pohane V/s State of Maharashtra.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. V.S.Bhoyar, counsel for the applicant/appellant.

Mr. A.B.Badar, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/04/2024.

1. Heard.
2. By preferring this application, the applicant / appellant is seeking suspension of sentence and released him on bail.
3. The applicant was prosecuted for the offence punishable under Sections 354, 354(A), 354(D) of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012. The learned trial court has held him guilty under Sections 354, 354(A) and Section 354(D) and sentenced to suffer rigorous imprisonment for three years and pay fine of Rs. 500/- of the offence punishable under Sections 354, 354-A and Section 354-D of the Indian Penal Code respectively.
4. Learned counsel for the applicant submitted that the learned trial Court has not appreciated the evidence properly

and also pointed out that, he has many arguable points in the present appeal, but the appeal would take its own time for its final decision. In the meanwhile, if sentence is executed the appeal will become infructuous.

5. Learned APP strongly opposed the said application on the ground that appeal is devoid of merits and therefore, the application deserves to be rejected.

6. Having heard learned counsel for the applicant and learned APP for the State, perused the judgment. From which, the learned counsel for the applicant has pointed out that he has many arguable points in the appeal. Moreover, the sentence imposed for a limited period, therefore, the contention of the applicant that if the sentence is executed, the appeal would become infructuous. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The execution of the sentence is hereby suspended till disposal of the appeal.
- (iii) The applicant be released on bail on executing PR. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- (iv) The applicant shall furnish his Cell-phone number and address along with address proof before the trial Court.

8. The criminal application (APPA) No. 428/2024 is **disposed of.**

CRIMINAL APPEAL NO.235 OF 2024

1. Heard.

2. **ADMIT.**

3. Call for R. & P.

4. Learned Additional Public Prosecutor waives service of notice on behalf of respondent/State.

5. Place the appeal before the Court after preparation of the paper book.

[URMILA JOSHI-PHALKE, J.]